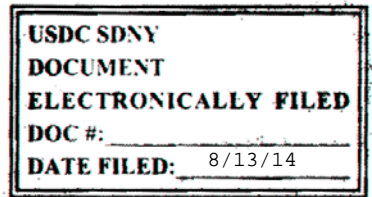


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
DONNA KASSMAN, *et al.*,

Plaintiffs,

-against-

KPMG LLP,

Defendant.  
-----X

11 Civ. 03743 (LGS)

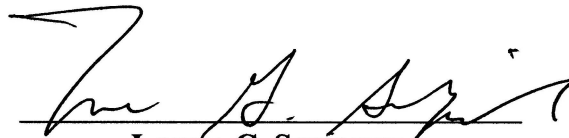
ORDER

LORNA G. SCHOFIELD, District Judge:

ORDERED that, for the reasons stated on the record, the parties shall file on ECF redacted versions of their papers concerning Plaintiffs' motion for conditional certification as follows: Category 1 documents shall not be redacted except as the parties agreed. Category 2 documents shall be redacted as Plaintiffs have requested. Category 3 and Category 4 documents shall be redacted as Defendant requested. The parties shall file unredacted versions of said papers under seal with the Clerk of Court.

ORDERED that, Plaintiff shall send to potential opt-in collective action plaintiffs a notice substantially in the form attached to this order.

Dated: August 13, 2014  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

**NOTICE OF COURT CERTIFICATION OF COLLECTIVE ACTION IN GENDER  
DISCRIMINATION LAWSUIT AGAINST KPMG**

*Donna Kassman, et al. v. KPMG LLP*  
U.S. District Court for the Southern District of New York

TO: ALL WOMEN EMPLOYED AS ASSOCIATE, SENIOR ASSOCIATE, MANAGER, SENIOR MANAGER/ DIRECTOR, AND/OR MANAGING DIRECTOR IN KPMG'S TAX OR ADVISORY FUNCTIONS IN CLIENT SERVICE DELIVERY ROLES IN THE UNITED STATES FOR AT LEAST ONE DAY ON OR AFTER OCTOBER 17, 2008.

**I. INTRODUCTION**

You have received this Notice because KPMG LLP's ("KPMG") records indicate that you may be eligible to join a collective action lawsuit involving the federal Equal Pay Act, entitled *Kassman et al. v. KPMG LLP*, 11 Civ. 3743 (LGS) (the "Lawsuit"). The Lawsuit is filed in the U.S. District Court for the Southern District of New York.

The Court has ordered Notice to you and approximately 10,000 other current and former KPMG employees. This Notice informs you of your right to seek to join this Lawsuit. This Lawsuit seeks financial recovery from KPMG for wages plaintiffs allege KPMG wrongfully withheld from you and others.

**II. DESCRIPTION OF LAWSUIT**

The Lawsuit alleges that KPMG paid female client service professionals in its Tax and Advisory functions less than their male counterparts in violation of federal law (the Equal Pay Act). The Equal Pay Act requires employers to pay similar male and female employees equitably for similar work.

The Lawsuit also alleges other pay, promotion, and pregnancy discrimination claims against KPMG. KPMG contests all claims that have been asserted in the Lawsuit and denies any wrongdoing or liability and intends to defend against those claims.

This Notice and its contents have been authorized by the U.S. District Court for the Southern District of New York. The Court conditionally certified the Lawsuit to proceed as a "collective action" on behalf of women fitting the Collective Action description in Section III below. The Court has not made any final determination on collective action certification and has not made any determination about the merits of the case.

### III. COMPOSITION OF THE COLLECTIVE ACTION

This notice applies to you if you are a woman who was employed:

- 1) in KPMG's Tax or Advisory functions;
- 2) in the position of Associate, Senior Associate, Manager, Senior Manager/ Director, and/or Managing Director in a Client Service Delivery Role;
- 3) in the United States by KPMG LLP (the US member firm of KPMG International); and
- 4) for at least one day on or after October 17, 2008.

### IV. YOUR RIGHT TO PARTICIPATE IN THE LAWSUIT

If you meet all of the criteria set forth in 1) through 4) above, you **may be eligible to join the Lawsuit** by completing and mailing, faxing, or emailing the attached "Consent to Join" form to Plaintiffs' Counsel:

Plaintiffs' Counsel

Sanford Heisler, LLP

1666 Connecticut Ave NW, Suite 300

Washington, DC 20009

Telephone: [Insert]

Fax: [Insert]

kpmg-classaction@sanfordheiser.com

If you have questions regarding your eligibility to participate, you may contact Plaintiffs' Counsel by telephone or e-mail.

**TO SEEK TO JOIN THIS LAWSUIT YOU MUST SIGN, DATE AND MAIL, FAX, OR E-MAIL THE "CONSENT TO JOIN" FORM TO PLAINTIFFS' COUNSEL. YOU MAY ALSO OBTAIN A COPY OF THE CONSENT TO JOIN FORM ON PLAINTIFFS' COUNSEL'S WEBSITE AT [PLAINTIFFS TO INSERT WEBLINK]. THESE FORMS MUST BE POSTMARKED, FAXED OR EMAILED NO LATER THAN [120 DAYS FROM START OF NOTICE PERIOD.]**

### V. NO RETALIATION IS PERMITTED

Federal law prohibits anyone from discriminating or retaliating against you for joining or deciding not to join in this Lawsuit.

### VI. EFFECT OF JOINING THIS LAWSUIT

If you join the Lawsuit and if the Court rules in your favor, you may receive payment for unpaid wages and associated damages owed to you by KPMG. Further, if you join the Lawsuit, you will be bound by any judgment of the Court or any settlement.

If you choose to join the Lawsuit, you may be required to provide information that could help the Court determine whether you are owed any money.

The Lawsuit is in the early pre-trial stage, and the Court has made no determination as to which side will prevail. The right to recover for any plaintiff has not been established and is not guaranteed or certain. The Court may ultimately determine that the class should be decertified, in which case this Lawsuit would not proceed as a collective action.

### **Counsel for Plaintiffs**

If you choose to join this Lawsuit and agree to be represented by the Named Plaintiffs through their attorneys, your counsel in this case will be Sanford Heisler, LLP. Further, if you agree to be represented by Sanford Heisler, you designate them as your agents to make certain binding decisions on your behalf. Sanford Heisler, LLP will represent you and the Named Plaintiffs on a contingency basis and you will not owe them anything if they do not recover anything for you.

Alternatively, you may join this Lawsuit and retain counsel of your own choosing at your own expense. If you wish to retain your own counsel, your attorney must file your "Consent to Join" form with the Court by [120 DAYS] and enter an appearance. You will need to make your own fee arrangement with other counsel if you choose other counsel to represent you.

### **VII. YOUR TIME TO JOIN THIS LAWSUIT IS LIMITED**

**IF YOUR "CONSENT TO JOIN FORM" AND "ADDITIONAL INFORMATION" FORMS ARE NOT POSTMARKED, FAXED, OR E-MAILED BY [120 DAYS] YOU WILL NOT BE A PART OF THIS LAWSUIT AND YOU WILL NOT BE ENTITLED TO RECEIVE ANY POTENTIAL MONETARY RELIEF UNDER THE EQUAL PAY ACT IN THIS LAWSUIT.**

Without sending the "Consent to Join" form, you are not automatically a party to this Lawsuit, nor are you required to become a party.

### **VIII. IF YOU CHOOSE NOT TO JOIN THIS LAWSUIT**

If you choose not to join the collective action, you do not need to do anything in response to this Notice. If you do not join the Lawsuit, you will not be part of the Equal Pay Act claim and will not be bound by or affected by the result (whether favorable or unfavorable). The time period for which claims are considered "timely" should you decide to proceed on your own in the future may not be as long if you bring them outside of this case.

### **IX. QUESTIONS REGARDING THIS NOTICE**

If you have questions about this Notice, the Consent to Join form, or the Lawsuit generally, you may contact Plaintiffs' Counsel, Katherine Kimpel, Kate Muetting, or Maya Sequeira of Sanford Heisler, LLP, at [Plaintiffs to Insert Phone Number] or [kpmg-classaction@sanfordheisler.com](mailto:kpmg-classaction@sanfordheisler.com).

**Please do NOT contact the Court or the Court clerk with questions about this Lawsuit.** The Court has no view at this early stage or whether the Lawsuit will be successful or whether you should join the Lawsuit.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DONNA KASSMAN, SPARKLE  
PATTERSON, JEANETTE POTTER AND  
ASHWINI VASUDEVA, individually and  
on behalf of a class of similarly-situated  
female employees,

Plaintiffs,

v.

KPMG LLP,

Defendant.

Civ. No. 11-CV-3743 (LGS)

Jury Trial Demand

**CONSENT TO JOIN FORM**

Consent to sue under the Equal Pay Act

**THIS FORM MUST BE POSTMARKED, FAXED OR E-MAILED BY [120 DAYS] OR  
YOU WILL NOT BE A PART OF THE EQUAL PAY ACT CLAIMS IN THIS LAWSUIT**

I work or worked for KPMG LLP, the US member firm of KPMG International, in the  
United States

(A) ☐ on or after [3 years before Notice date] *OR*

(B) ☐ on or after October 17, 2008 but *not* on or after [3 years before Notice mailing  
date]

in the position of Associate / Senior Associate / Manager / Director/ Senior Manager / Managing  
Director (circle all that apply) in a Client Service Delivery role in KPMG's Tax or Advisory  
function.

Print Name: \_\_\_\_\_

Name while employed by KPMG (if different from above):

\_\_\_\_\_  
\_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, and ZIP: \_\_\_\_\_

Telephone: [Plaintiffs to Insert Number]  
Facsimile: [Plaintiffs to Insert Number]  
E-mail: kpmg-classaction@sanfordheisler.com

Do ***not*** submit these forms directly to the Court.

- This lawsuit seeks to recover:
  - (a) unpaid compensation due to gender discrimination
  - (b) liquidated damages, interest, costs and fees
- It is illegal for any employer to retaliate against an individual for exercising his or her rights (such as by participating in this lawsuit, signing or submitting this document, or talking to attorneys about his or her rights to full compensation for work performed).
- Counsel for Plaintiffs are happy to discuss any questions about this case and can be contacted at [Plaintiffs to Insert Phone Number] or [kpmg-classaction@sanfordheisler.com](mailto:kpmg-classaction@sanfordheisler.com)